

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,610	01/22/2004	Martha Kelsey	P06433US00	5043
22885	7590 11/23/2005		EXAM	INER
MCKEE, VOORHEES & SEASE, P.L.C.			NGUYEN, KIEN T	
801 GRAND SUITE 3200	AVENUE		ART UNIT	PAPER NUMBER
	DES MOINES, IA 50309-2721			·-

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	•					
	Application No.	Applicant(s)				
	10/762,610	KELSEY, MARTHA				
Office Action Summary	Examiner	Art Unit				
	Kien T. Nguyen	3711				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period w Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin vill apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 06 Se	eptember 2005.					
2a)⊠ This action is FINAL . 2b)☐ This	action is non-final.					
3) Since this application is in condition for allowar	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4) Claim(s) 1-39 is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-39</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or	r election requirement.					
Application Papers						
9) The specification is objected to by the Examine	r.					
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
Notice of References Cited (PTO-892)	4) Interview Summary					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail Da 5) Notice of Informal P	ate atent Application (PTO-152)				
Paper No(s)/Mail Date	6) Other:	,				

Art Unit: 3711

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fogarty et al U.S. Patent 5,186,673 in view of Norman et al U.S. Patent 6,227,930.

Fogarty et al disclosed a simulated clothing for a doll comprising a first piece (12) applied to a portion of a doll and secured by a pair of mating two part hook and loops strips (25, 27) (Velcro) of overlapping portions of the piece as shown in Figs. 1 and 2; the piece is formed into a shape that can be used to simulate an article of clothing or part thereof on a doll (18), the piece is sized originally to a size and shape to form a simulated piece of clothing or part thereof; there are more than one piece to simulate various types of clothing articles such size, shape, color, size and they may be applied onto each other as shown in Fig. 8. It is noted that Fogarty et al failed to teach the use of pieces of clothing made of material having self-adherent and elastomeric properties as set forth in these claims. However, Norman et al disclosed doll's garments made from an elastomeric material. Therefore, it would have been obvious to one of ordinary skill in the art to modify the pieces of Fogarty et al with the elastomeric material as taught by Norman et al for the purpose of providing a high degree of realism for the garments of the doll.

Art Unit: 3711

Regarding the use of self-adhesion of the overlapping portions, Fogarty et al utilized Velcro as discussed above. It is very well known in the art that fastening means such as Velcro, adhesive, sewing, etc could be interchangeably used (see Cox U.S. Patent 4,197,670, col. 2, lines 13-16). Accordingly, it would have obvious to substitute the use of Velcro with any equivalent fastening means to perform the same function.

Regarding method claims 18-31, the above combination of Fogarty et al and Norman et al would constitute the steps of the method of simulating clothing on a doll as set forth therein.

Response to Arguments

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, there is clearly a reason to modify the flexible fabric-clothing article of Forgarty with the elastomeric material of Norman et al. The motivation for such modification is to enhance to aesthetic appearance of the clothing article. Furthermore, regarding the issue of self-adherent property, such term merely means sticking fast or stay attached to itself, and does not contain any specific composition or material. As mentioned above, the use of

Art Unit: 3711

any type of adhesion for the doll's clothing is well-known in the art and could be used interchangeably to perform the same function.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (571) 272-4428. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/762,610 Page 5

Art Unit: 3711

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kien T. Nguyen Primary Examiner

Art Unit 3711

Ktn